

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

LAWRENCE STACKHOUSE,

CIVIL NO. 09-839 (PJS/JSM)

Plaintiff,

**ORDER**

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated February 11, 2011. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED that:**

1. Defendants' Motion to Dismiss, or Alternatively for Summary Judgment [Docket No. 30] is **GRANTED**;

2. Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** as it relates his claims against defendants Dr. Tran, Physician Assistant Sullivan and A.W. Vienyard in their individual capacities. The remainder of plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

3. Plaintiff's Motion for Request to Execute Demand Affidavit for Expert Review [Docket No. 29] is **DENIED**.

4. Plaintiff's Motion of Expert Identification/Disclosure Executed [Docket No. 41] is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 03/01/11

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge